

Application No.: 10/533,434

Amendments to the Drawings

The attached sheets of drawings include changes to Figs. 23-27. These sheets replace the original sheets including Figs. 23-27. In Figs. 23-27, a legend "Prior Art" is added.

Attachment: Replacement Sheets

REMARKS

I. Introduction

Claims 1-36 are pending in this application, of which claim 1 is independent. Applicants acknowledge, with appreciation, the Examiner's indication that claims 6-17 and 19-36 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In this Amendment, the specification and drawings have been amended in response to the Examiner's objections. Care has been exercised to avoid the introduction of new matter.

II. The Objection to the Drawings

Figs. 23-27 have been required to be designated by a legend such as --Prior Art--. Applicants have amended the figures as suggested by the Examiner. Withdrawal of the objection to the drawings is, therefore, respectfully solicited.

III. The Objection to the Specification

The Examiner pointed out, "Where the disclosure references figure 12 in reference to the background art, it appears it should reference figure 23; for figure 13, figure 24; for figure 14, figure 25; and so on" (paragraph 2 of the Office Action).

Applicants have amended reference to Figs. 12-16 in the specification to --Figs. 23-27--, though the errors identified by the Examiner were already addressed by the May 2, 2005 Preliminary Amendment. The amendment made to specification by the May 2, 2005 Preliminary Amendment is replaced with this Amendment.

Withdrawal of the objection to the specification is, therefore, respectfully solicited.

IV. The Rejection of Claims 1-5 and 18

Claims 1-5 and 18 have been rejected under 35 U.S.C. §102(b) as being anticipated by Hamada et al. In the statement of the rejection, the Examiner asserted that Hamada et al. disclose a clock adjusting device which identically corresponds to the claimed invention. This rejection is respectfully traversed.

It is well established precedent that the factual determination of lack of novelty under 35 U.S.C. §102 requires the identical disclosure in a single reference of each element of the claimed invention, such that the identically claimed invention is placed into the possession of one having ordinary skill in the art. *See Helifix Ltd. v. Blok-Lok, Ltd.*, 208 F. 3d 1339, 54 USPQ2d 1299 (Fed. Cir. 2000); *Electro Medical Systems S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 32 USPQ2d 1017 (Fed. Cir. 1994).

Applicants submit that Hamada et al. do not disclose a phase error detecting circuit including all the limitations recited in independent claim 1. Specifically, Hamada et al. do not disclose the following limitations of claim 1:

a cross detector for receiving the reproduced data and a specified reference value and detecting a cross timing at which the reproduced data crosses the reference value;

a phase error calculator for receiving the reproduced data and a cross timing signal from the cross detector and calculating a difference between the value of the reproduced data and a zero value at the cross timing as phase error data; and

a cross reference value generator for receiving the phase error data from the phase error calculator and updating the reference value of the cross detector based on the phase error data.

In particular, Hamada et al. do not disclose, at a minimum, the claimed “reference value.”

Hamada et al. describe the “reference level,” which is used as a reference value (central value = zero value), to determine a value of a reproduction signal. If there is an offset amount in the reproduction signal and the reference value (central value) changes (see Fig. 5: the offset amount increases as it goes right), the offset amount is detected, and the reference value (central value) is adjusted only by the offset amount for determining a value of a reproduction signal (see claims 1 and 2, and Fig. 5).

On the other hand, the claimed “reference value” is for determining a timing of obtaining reproduced data for calculating phase error data, and the timing is updated based on the phase error data. In more detail, the “reference value” of the claimed invention is used for detecting a cross timing at which reproduced data crosses the reference value. A difference between a zero value and a value of the reproduced data at the cross timing is calculated as phase error data, and then the “reference value” is updated by the cross reference value generator based on the phase error data. The claimed “reference value” is for determining a timing of obtaining reproduced data for calculating phase error data, while Hamada’s reference value (central value = zero value) is for determining a value of a reproduction signal. Accordingly, the claimed reference value is not identically described by Hamada et al.

Based on the foregoing, Hamada et al. do not disclose a phase error detecting circuit including all the limitations recited in independent claim 1 within the meaning of 35 U.S.C. §102. Dependent claims 2-5 and 18 are also patentably distinguishable over Hamada et al. at least because these claims respectively include all the limitations recited in independent claim 1. Applicants, therefore, respectfully solicit withdrawal of the rejection of claims 1-5 and 18 under 35 U.S.C. §102(b) and favorable consideration thereof.

V. Conclusion

It should, therefore, be apparent that the imposed rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: February 9, 2007